

SNELL & WILMER  
L.L.P.  
350 SOUTH GRAND AVENUE  
SUITE 2600  
TWO CALIFORNIA PLAZA  
LOS ANGELES, CALIFORNIA 90071

SNELL & WILMER L.L.P.  
Philip J. Graves (SBN 153441)  
pgraves@swlaw.com  
Greer N. Shaw (SBN 197960)  
gshaw@swlaw.com  
Deborah S. Mallgrave (SBN 198603)  
dmallgrave@swlaw.com  
350 South Grand Avenue, Suite 2600  
Two California Plaza  
Los Angeles, CA 90071  
Telephone: (213) 929-2500  
Facsimile: (213) 929-2525  
  
Attorneys for Plaintiff  
James R. Glidewell Dental Ceramics, Inc.  
d/b/a Glidewell Laboratories

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL  
CERAMICS, INC. dba GLIDEWELL  
LABORATORIES, a California  
corporation,

Plaintiff,

vs.

KEATING DENTAL ARTS, INC.,

Defendant.

AND RELATED  
COUNTERCLAIMS.

Case No. SACV11-01309-DOC(ANx)

**[PROPOSED] ORDER GRANTING  
JAMES R. GLIDEWELL DENTAL  
CERAMICS, INC.'S MOTION IN  
LIMINE #6 TO EXCLUDE ANY  
ADVICE OF COUNSEL DEFENSE  
BY KEATING DENTAL ARTS, INC.**

Hearing

Date: January 28, 2013  
Time: 8:30 a.m.  
Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013  
Jury Trial: February 26, 2013

**ORDER**

Plaintiff James R. Glidewell Dental Ceramics, Inc.'s ("Glidewell") Motion *in Limine* 6 to exclude any advice of counsel defense by Defendant Keating Dental Arts, Inc. ("Keating"), including any evidence and argument (a) as to the substance of any advice of counsel that Keating obtained prior to adopting "KDZ Bruxer" regarding the likelihood of confusion between "KDZ Bruxer" and "BruxZir," (b) that Keating sought any such advice of counsel, and (c) that Keating relied on any such advice in adopting the "KDZ Bruxer" mark, came before the Court for hearing during the Pretrial Conference on January 28, 2013. All parties were represented by counsel.

**IT IS HEREBY ORDERED** that: Glidewell's Motion *in Limine* 6 is GRANTED. The Court hereby orders that Keating and its counsel shall not, in the presence of the jury, present any advice of counsel defense by Keating, including any evidence and argument (a) as to the substance of any advice of counsel that Keating obtained prior to adopting "KDZ Bruxer" regarding the likelihood of confusion between "KDZ Bruxer" and "BruxZir," (b) that Keating sought any such advice of counsel, and (c) that Keating relied on any such advice in adopting the "KDZ Bruxer" mark.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. David O. Carter  
United States District Judge

SNELL & WILMER  
LLP  
350 SOUTH GRAND AVENUE  
SUITE 2600  
TWO CALIFORNIA PLAZA  
LOS ANGELES, CALIFORNIA 90071

***Glidewell Laboratories v. Keating Dental Arts, Inc.***  
**United States District Court, Central, Case No. SACV11-01309-DOC (ANx)**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2013, I electronically filed the document described as **[PROPOSED] ORDER GRANTING JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S MOTION IN LIMINE #6 TO EXCLUDE ANY ADVICE OF COUNSEL DEFENSE BY KEATING DENTAL ARTS, INC.** the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

David G. Jankowski  
 Jeffrey L. Van Hoosear  
 Lynda J Zadra-Symes  
 Darrell L. Olson  
 Knobbe Martens Olson and Bear LLP  
 2040 Main Street, 14th Floor  
 Irvine, CA 92614

**Attorneys for Defendant Keating Dental Arts, Inc.**  
 Tel: (949) 760-0404  
 Fax: (949) 760-9502

Jeffrey.VanHoosear@kmob.com  
 David.Jankowski@kmob.com  
 Lynda.Zadra-symes@kmob.com  
 Darrell.Olson@knobbe.com  
 litigation@kmob.com

David A. Robinson  
 James Azadian  
 Enterprise Counsel Group  
 Three Park Plaza, Suite 1400  
 Irvine, CA 92614

**Attorneys for Defendant Keating Dental Arts, Inc.**  
 Tel: (949)833-8550  
 Fax: (949) 833-8540

drobinson@enterprisecounsel.com  
 jazadian@enterprisecounsel.com

Dated: January 17, 2013

SNELL & WILMER L.L.P.

By: s/Greer N. Shaw

Philip J. Graves  
 Greer N. Shaw  
 Deborah S. Mallgrave  
 Attorneys for Plaintiff  
 James R. Glidewell Dental Ceramics, Inc.  
 d/b/a Glidewell Laboratories

16426684.1

SNELL & WILMER  
 L.L.P.  
 350 SOUTH GRAND AVENUE  
 SUITE 2600  
 TWO CALIFORNIA PLAZA  
 LOS ANGELES, CALIFORNIA 90071